

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES ANDERSON,

Petitioner,

Case Number: 06-CV-15622
Honorable Gerald E. Rosen

v.

HAROLD WHITE,

Respondent.

**ORDER REQUESTING RESPONDENT TO RESPOND TO
PETITIONER'S MOTION FOR RECOGNIZANCE OR BAIL
PENDING THE DECISION ON HIS PETITION FOR
A WRIT OF HABEAS CORPUS**

I.

On December 15, 2006, Petitioner, James Anderson, a state inmate currently incarcerated at the Parnall Correctional Facility in Jackson, Michigan, filed a *pro se* application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, stating that he is being held in violation of his constitutional rights. Respondent's response is due on June 25, 2007. Before the Court now is Petitioner's motion for miscellaneous relief; a motion for recognizance or bail pending a decision on his petition for a writ of habeas corpus.

II.

Petitioner was convicted of Operating Under the Influence of Liquor (OUIL), causing serious injury, in violation of MICH.COMP.LAWS § 257.6255, on June 7, 2004. He was put on probation, and ordered to participate in the Kalamazoo Probation Enhancement Program (KPEP),

a program designed to provide treatment to prisoners and parolees who have a substance abuse problem or problems.

On September 12, 2005, Petitioner pleaded guilty to violating his probation; Petitioner went AWOL from the KPEP program. The judge sentenced Petitioner to two to five years imprisonment. Petitioner argues in his habeas petition that the judge exceeded the guidelines in sentencing him. On that basis, Petitioner is requesting bail. Petitioner's earliest release date is September 2007.

III.

Based upon the foregoing, this Court orders that Respondent respond to Petitioner's motion within ten (10) days of receipt of this order.

IT IS SO ORDERED.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: March 14, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 14, 2007, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager